

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**JOSUE ORTIZ-MEJIA,
Defendant.**

No. 10 - CR - 30150 DRH

PRELIMINARY ORDER OF FORFEITURE

HERNDON, Chief Judge:

In the Indictment filed on September 8, 2010, the United States sought forfeiture of property of defendant Josue Ortiz-Mejia pursuant to **18 U.S.C. § 924(d)** and **28 U.S.C. § 2461(c)** (Doc. 1). The Court, upon consideration of the guilty plea received in this matter, hereby finds by a preponderance of evidence that the following property is forfeitable and orders forfeited the following property that Defendant admits was involved in the commission of the offense to which he has pleaded guilty:

**One Stevens twelve gauge shotgun, bearing serial number
R042721, and one twelve gauge shotgun shell**

The United States shall, under the authority of **21 U.S.C. § 853(n)(1)** to “publish notice of the order and of its intent to dispose of the property in such matter as the Attorney General may direct,” provide notice of the forfeiture and the right of persons other than Defendant who have any claim or legal interest in any of the property to file a petition with the Court. Said notice shall be provided in a manner consistent with **RULE G(4)(a)** of the **SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND**

ASSET FORFEITURE ACTIONS.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the release.

The United States may, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Order, as the substitute for the published notice to those persons.

Upon the filing a petition alleging the third-party interests in the property, the Court may amend this Order to resolve the claimed third-party interests.

The United States Marshal or the Vault Custodian for the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall seize and reduce to his possession, if he has not already done so, the above-described property.

The Court finds that said property is forfeitable; however, the United States may, at its discretion, proceed with the destruction of said property without completing the forfeiture process against same.

This Order, pursuant to **RULE 32.2(b)(3)** of the **FEDERAL RULES OF CRIMINAL PROCEDURE**, shall become final with respect to Defendant at the time of the Defendant's sentencing, regardless of whether or not the rights of actual or potential third-party petitioners have been determined by that time. This Order shall be made part of the sentence of Defendant and shall be included in the Judgment imposed against him.

This Order is a final order with respect to Defendant, and this Order may be amended with respect to petitions filed by third-parties claiming an interest in the subject-matter forfeited property.

IT IS SO ORDERED.

Signed this 19th day of March, 2011.

  David R. Herndon
2011.03.19
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**Chief Judge
United States District Court**